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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In re:

BlockFi Inc., *et al.*,¹

Debtors.

Chapter 11

Case No. 22-19361 (MBK)

**CAMERON WYATT'S STATEMENT OF ISSUES ON APPEAL
AND DESIGNATION OF ITEMS TO BE
INCLUDED IN THE RECORD ON APPEAL**

Pursuant to Rule 8009 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), Cameron Wyatt (the “Mr. Wyatt”), in his individual capacity as a creditor and party in interest and his capacity as proposed lead plaintiff in the Securities Class Action Proceedings,² by and through his undersigned counsel, hereby respectfully submits this statement of issues to be presented and designation of items to be included in the record on appeal with respect to Mr. Wyatt’s appeal from the *Revised Findings of Fact, Conclusions of Law, and Order (i) Approving the Disclosure Statement Relating to the Third Amended Joint Chapter 11 Plan of BlockFi Inc.*

¹ References to the “Debtors” herein are to the debtors in these Chapter 11 Cases (listed with the last four digits of each Debtor’s federal tax identification number): BlockFi Inc. (0015); BlockFi Trading LLC (2487); BlockFi Lending LLC (5017); BlockFi Wallet LLC (3231); BlockFi Ventures LLC (9937); BlockFi International Ltd. (N/A); BlockFi Investment Products LLC (2422); BlockFi Services, Inc. (5965) and BlockFi Lending II LLC (0154).

² The “Securities Class Action Proceedings” are, together, *Elas v. Prince, et al.*, Case No. 23-10472 (D. Mass.) (the “Massachusetts Securities Litigation”), and *Greene v. Prince, et al.*, Case No. 23-01165 (D.N.J.) (the “New Jersey Securities Litigation”).

and its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code on a Final Basis and (ii) Confirming the Third Amended Joint Chapter 11 Plan of BlockFi Inc. and its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code (Additional Technical Modifications) [Docket Nos. 1655 and 1660] (the “Confirmation Order”).³

Mr. Wyatt reserves his rights to supplement or amend the statement of issues to be presented on appeal and to designate additional items for inclusion in the record on appeal.

**STATEMENT OF ISSUES TO BE
PRESENTED ON APPEAL**

1. When it confirmed the *Third Amended Joint Chapter 11 Plan of BlockFi Inc. and its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code (Technical Modifications)* [Docket No. 1564] (as may be amended, the “Plan”), did the United States Bankruptcy Court for the District of New Jersey (the “Bankruptcy Court”) err in allowing the Plan to fully release claims that non-debtors may have against non-debtor third parties (the “Third Party Release”) for fraud, intentional misconduct, and gross negligence?

2. When it confirmed the Plan, did the Bankruptcy Court err in determining that the Debtors⁴ provided sufficient notice to potential class members in the Securities Class Action Proceedings (“Class Members”) that their claims, including securities fraud claims, against non-debtor third parties would be released under the Plan absent a formal opt out from the Third Party Release?

³ It appears that the Confirmation Order was entered at Docket Nos. 1655 and 1660. For the avoidance of doubt, Mr. Wyatt is appealing from the Confirmation Order regardless of which docket entry may be the operative version of the Confirmation Order.

⁴ Capitalized terms used but not otherwise defined herein have the meanings ascribed to such terms in the Confirmation Order.

3. When it confirmed the Plan, did the Bankruptcy Court err in determining that the Plan was consistent with due process and that the Debtors obtained actual and informed consent to the Third Party Release?

4. When it confirmed the Plan, did the Bankruptcy Court err in requiring creditors who opted out of the Third Party Release to seek a determination from the Bankruptcy Court before pursuing claims against non-debtor third parties pending in an Article III court?

**DESIGNATION OF ITEMS TO BE INCLUDED
IN THE RECORD ON APPEAL**

Without waiving any arguments on appeal, the Debtor designates each of the following documents for inclusion in the record on appeal. Each designated item also includes any and all exhibits and documents annexed to such items, except where otherwise indicated.

In re BlockFi, Inc., et al.

United States Bankruptcy Court, District of New Jersey, Case No. 22-19361-MBK

Docket No.	Entry Date	Document
n/a	n/a	Docket Report for <i>In re BlockFi, Inc., et al.</i> , No. 22-19361-MBK (Bankr. D.N.J.)
1294	7/30/2023	Debtors' Supplemental Motion for Entry of an Order (I) Conditionally Approving the Adequacy of the Disclosure Statement, (II) Approving the Solicitation and Notice Procedures, (III) Approving the Forms of Ballots and Notices in Connection Therewith, (IV) Scheduling Certain Dates with Respect Thereto, and (V) Replying to Objections to the Disclosure Statement
1306	8/2/2023	Order (I) Conditionally Approving the Adequacy of the Disclosure Statement, (II) Approving the Solicitation and Notice Procedures, (III) Approving the Forms of Ballots and Notices in Connection Therewith, and (IV) Scheduling Certain Dates with Respect Thereto

Docket No.	Entry Date	Document
1310	8/3/2023	Disclosure Statement Relating to the Third Amended Joint Chapter 11 Plan of BlockFi Inc. and Its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code
1475	9/11/2023	Objection of Cameron Wyatt, Proposed Securities Class Action Lead Plaintiff, to (I) Confirmation of the Debtors' Proposed Chapter 11 Plan and (II) Final Approval of The Disclosure Statement in Connection Therewith
1477	9/11/2023	Certificate of Service of Objection of Cameron Wyatt, Proposed Securities Class Action Lead Plaintiff, to (I) Confirmation of the Debtors' Proposed Chapter 11 Plan and (II) Final Approval of The Disclosure Statement in Connection Therewith
1573	9/22/2023	Affidavit of Service of Solicitation Materials
1582	9/22/2023	Declaration of Mark A. Renzi, Chief Restructuring Officer of BlockFi Inc., in Support of (I) Final Approval of the Disclosure Statement and (II) Confirmation of the Third Amended Joint Chapter 11 Plan of BlockFi Inc. and its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code
1583	9/22/2023	Declaration of Brett Witherell, Managing Director of Berkeley Research Group, LLC, in Support of Final Approval of the Disclosure Statement for, and Confirmation of, the Debtors' Chapter 11 Plan
1584	9/22/2023	Declaration of Scott D. Vogel, Independent Director and Member of the Special Committee of the Board of Directors of BlockFi Inc., in Support of (I) Final Approval of the Disclosure Statement and (II) Confirmation of the Third Amended Joint Chapter 11 Plan of BlockFi Inc. and its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code
1607	9/25/2023	Declaration of James Daloia of Kroll Restructuring Administration LLC Regarding the Solicitation and Tabulation of Votes on the

Docket No.	Entry Date	Document
		Third Amended Joint Chapter 11 Plan of BlockFi Inc. and its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code
1608	9/25/2023	Debtors' Memorandum of Law in Support of (I) Final Approval of the Disclosure Statement Relating to the Third Amended Joint Chapter 11 Plan of BlockFi Inc. and its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code and (II) an Order Confirming the Third Amended Joint Chapter 11 Plan of BlockFi Inc. and its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code
1609	9/25/2023	Notice of Filing of Additional Technical Modifications to Third Amended Joint Chapter 11 Plan of BlockFi Inc. and its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code
n/a	9/26/2023	Transcript of Hearing on Plan Confirmation and Final Disclosure Statement Approval and Motions Hearing Before the Honorable Michael B. Kaplan United States Bankruptcy Court Chief Judge
1655	10/3/2023	Revised Findings of Fact, Conclusions of Law, and Order (I) Approving Disclosure Statement Relating to the Third Amended Joint Chapter 11 Plan of BlockFi Inc. and Its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code on a Final Basis and (II) Confirming the Third Amended Joint Chapter 11 Plan of BlockFi Inc. and Its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code Revised Findings of Fact, Conclusions of Law, and Order (I) Approving the Disclosure Statement Relating to the Third Amended Joint Chapter 11 Plan of BlockFi Inc. and Its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code on a Final Basis and (II) Confirming the Third Amended Joint Chapter 11 Plan of BlockFi Inc. and Its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code
1660	10/3/2023	Revised Findings of Fact, Conclusions of Law, and Order (I) Approving the Disclosure Statement Relating to the Third Amended Joint Chapter 11 Plan of BlockFi Inc. and Its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code on a Final Basis and (II) Confirming the Third Amended Joint Chapter 11 Plan of BlockFi Inc. and Its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code

Docket No.	Entry Date	Document
		Chapter 11 of the Bankruptcy Code (Additional Technical Modifications)
1740	10/16/2023	Notice of Clarification Regarding Confirmation Order
1745	10/17/2023	Notice of Appeal to District Court by Cameron Wyatt
1746	10/17/2023	Certificate of Service of Notice of Appeal to District Court by Cameron Wyatt

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Respectfully submitted,

Dated: October 31, 2023

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/s/ Michael S. Etkin

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